IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 35660 of 2007(T)

PETITIONER:

GOVINDAN.P.V., PALOTH HOUSE,
KAYYUR, CHERUVATHUR, KASARGOD DISTRICT.

BY ADV. SRI.JOSE J.MATHAIKAL

RESPONDENTS:

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1. THE KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY.

2. THE DEPUTY CHIEF ENGINEER, KSEB,
ELECTRICAL CIRCLE, KASARGOD.

3. THE ASSISTANT ENGINEER,
KSEB, ELECTRICAL SECTION, KAYYUR,
KASARGOD DISTRICT.

BY ADV. SRI.P.P.THAJUDEEN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.35660 of 2007

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Dated this the 3rd day of December, 2007.

JUDGMENT

Petitioner's grievance is that even though appeal was filed against a disputed electricity bill raised after inspection, petitioner was not heard before disposal of the appeal and therefore, petitioner could not explain the grounds raised in the appeal. It is seen from Ext.P3 that the Executive Engineer who was in charge of the Deputy Chief Engineer, went through the appeal and decided it without hearing the petitioner. Standing Counsel pointed out that penal bill for unauthorised use for house construction which should be subjected to commercial tariff is only Rs.4,579/- and probably that is the reason why petitioner was not unnecessarily called for hearing. In any case since there is violation of natural justice in as much as petitioner was not heard in the matter, I dispose of the W.P. with direction to the second respondent to reconsider the appeal after giving a personal hearing to the petitioner. The second respondent is directed to pass fresh orders in the place of Ext.P3 within a period of three months from now. The petitioner will produce copy of this judgment and will appear on the posting date before the second respondent. As and

when bill is revised, he will recall Ext.P3.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms